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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re)
)
Common Carrier Bureau Public Notice Seeking)
Comment On North American Numbering)
Council Letter Seeking Clarification)
of the Term "Technology Neutral")

DA 97-2234

CC 92-237

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COMMENTS OF PAGING NETWORK, INC.

Paging Network Inc. ("PageNet"), on behalf of its operating subsidiaries, hereby comments on the above-captioned proceeding, pursuant to the Common Carrier Bureau Public Notice, DA 97-2234, dated October 20, 1997 ("Public Notice").

PageNet believes the issues raised in the Public Notice are very important to the ability of carriers and the Federal Communications Commission ("FCC" or "Commission") to assure that there remains available a nationwide, uniform system of numbering, which can be implemented on an efficient, competitively neutral basis. However, PageNet believes that the issues can be best handled in the context of a broader FCC proceeding looking at the merits and feasibility of number pooling and unassigned number porting (which are at the root of the NANPA request underlying the Public Notice), and to explore within that context the best means of assuring the neutral administration of numbers and their ready availability.

I. PRECEDENT AS A GUIDE TO NUMBER EXHAUST

As this Commission well knows, the issues surrounding number exhaust, and number administration more generally, raise serious issues which, if decided wrongly or on a piecemeal basis, could affect the growth of new services or upset the competitive balance this

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Commission has sought to obtain and preserve. It was precisely because of this Commission's commitment to growth in the supply and array of both wireless and wireline telecommunications services that PageNet, with two other wireless carriers, filed its Request for Declaratory Ruling and Interlocutory Order, which the Commission ultimately granted in substantial part in its Declaratory Ruling and Order. *In Re Proposed 708 Relief Plan*, 10 FCC Rcd 4596 (1995) ("*Order*").

In that *Order*, the Commission emphasized that a "nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications services." *Id.* at 4602. It recognized the need to consider the merits of particular plans prior to their implementation, where those plans, or essential elements of such plans, could be repeated in other areas of the country. It further recognized that the prompt actions of the Commission could avoid defects in one plan from being repeated around the country. *Id.* at 4603.

In the *Order*, the Commission both set forth the principles that administrators should follow, and applied those principles to the specific facts under consideration. According to the Commission:

[The] administration of the plan must seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications service providers. In general, we believe that a successful administration of the NANP will not unduly favor or disadvantage any particular segment or group of consumers. Similarly, we believe that the administration of the plan should not unduly favor one technology over another. Thus, the NANP should be largely technology neutral.

Id. at 4604.

In examining the specific facets of the then proposed Ameritech plan (which included a mandatory wireless overlay), the Commission implicitly recognized the very fact specific nature of area code relief and the degree to which discriminatory aspects of a plan could render the plan, in toto, unlawful. The Commission, therefore, carefully examined the justifications submitted by Ameritech and others for the discrimination they were proposing. The Commission considered, for example, the extent to which "other plans that do not have the unreasonably discriminatory impacts could not also meet the needs for additional numbering resources," concluding that "central office codes within the NPA code should be viewed as essential resources to be shared as fully and equitably as possible by all those carriers who require such codes. . . ." *Id.* at 4606. In that context, the Commission noted that Bellcore has "long opposed service specific code assignments" and that a wireless overlay would be a departure from normal industry practices. *Id.* at 4608.

In sum, this *Order* must be read as requiring the examination of the factual predicates of any relief plans or relief concepts presented, as well as the far reaching implications of any such plans or concepts, in order to determine the extent to which such plans or concepts can be "technologically neutral."¹ Neither carriers nor the Commission can simply answer questions such as those presented by the NANPA request in a vacuum. Hereafter, PageNet attempts to set forth at least some of the problems and implications it sees which flow from number pooling and unassigned number porting but, at this point, PageNet's position must of necessity be preliminary.

¹ This rigorous examination cannot be done in the unrealistically short time frame the Bureau set forth to respond to the Public Notice.

II. THE COMMISSION NEEDS TO EXAMINE MORE BROADLY THE DEGREE TO WHICH NUMBER POOLING, AND UNASSIGNED NUMBER PORTING RESULT IN NUMBER SHORTAGES FOR WIRELESS CARRIERS, OR RESULT IN WIRELESS ONLY CODES AND TO TAKE ACTIONS WHICH PREVENT THOSE RESULTS

The NANPA letter to the Commission seeking further guidance on the meaning of the term "technology neutral" is based on the premise that the introduction of number pooling under an NXX-X Location Routing Number ("LRN") scheme would require carriers to have LRN-capable switches, and thus carriers whose switches were not LRN-capable would not be able to participate. The same is said to be true of unassigned number porting. As the Commission is aware, number portability will not be implemented by cellular carriers for at least two more years, and there is no present plan to implement number portability in the paging industry. Thus, if in fact number portability is a prerequisite for participation in pooling or in unassigned number porting, these wireless carriers will not be able to use the numbers these methodologies make available for some period of time, if at all.²

This is not to suggest that number pooling or unassigned number porting should be viewed as a panacea by the wireline carriers, either. There is still a substantial question about the degree to which number pooling or unassigned number porting have real long term

² This is particularly ironic in light of the fact that wireless carriers have often used telephone numbers more efficiently than their landline counterparts because of their ability to assign numbers without regard to geographic constraints. Wireline carriers, unlike wireless carriers, ordinarily assign numbers out of a wire center that is located within the rate center applicable to the subscriber's location. Each rate center, consequently, must have at least one NXX code, which represents a block of 10,000 numbers, regardless of the number of subscribers that are located within the geographic area that is served by the rate center. Additional NXX codes must be assigned, moreover, when the existing codes become filled even though they will be used to serve only a small number of new subscribers.

merit, or whether these means of creating additional available numbers have only facial attractiveness because of technical, economic or other constraints. These methods of relief have not been tried and the degree to which they will be useful in postponing exhaust even if they do work technically, is far from certain. (In Illinois right now, for example, there are predictions that, by implementing pooling, number exhaust could be avoided for a few months, whereas a different analysis of supposedly the same data suggests that exhaust could be forestalled for some years).

PageNet is not in a position to know who is right and who is wrong in the debate about the ultimate effectiveness of number pooling or of unassigned number porting. However, PageNet is very interested in having the Commission explore the degree to which pooling or porting could be made available to carriers even without number portability, if these relief measures are to be tried. For example, are there functions which could be performed in LEC switches which could make voluntary participation possible? If pooling or porting is to go forward, further exploration about the extent to which wireless carriers could voluntarily participate in these methods and thus share the existing codes is critical to an examination of whether this form of relief is "technically neutral." That exploration is consistent, indeed critical to, allowing central office codes to be shared as fully and equitably as possible by all carriers who require such codes.

If there were a way to participate by wireless carriers in a technologically and economically feasible way, then these methods of relief might be technologically neutral. In the absence of such participation, they are not. At best the implementation of pooling and unassigned number porting for wireline carriers only will lead to "wireless only" codes. This

would result from the fact that wireless carriers will need to subscribe to one or more new codes when full central office codes are unavailable, but wireline carriers will not. In effect, then, "wireless only" codes will be created despite PageNet's and this Commission's prior efforts to avoid mandatory wireless only codes. The Commission has already found this result unacceptable.

However, from a wireless carriers' perspective, there is one worse fate and that is to have no numbers at all. PageNet is very concerned that, whatever the Commission decides, it take all necessary steps to assure that wireless carriers have numbers available to them under any and all circumstances. In the context of number pooling and unassigned number porting, for example, PageNet urges the Commission to require all those administrators who implement these forms of relief to simultaneously implement an all-service overlay.³ As PageNet sees it, the administrator must do this to assure that wireless carriers are not both precluded from participation in pooling and unassigned number porting and precluded from obtaining numbers from another source. That very real possibility must be avoided at all cost.

CONCLUSION

The Commission needs to look at what "technical neutrality" means, but only in the context of the specifics of number pooling and the unassigned number porting. In that regard, it should implement a broader proceeding, looking at the degree to which wireless carriers could participate in some form of pooling or unassigned number porting or their

³ The Commission should dictate that all carriers should be able to order numbers from the new area code.

equivalents, even in the absence of portability. In no circumstances should it allow pooling and unassigned number porting to go forward as forms of relief in the absence of simultaneously requiring administrators to implement all service overlays from which wireless carriers and landline carriers could obtain numbers without participating in pooling or unassigned number porting.

Respectfully submitted,

PAGING NETWORK, INC.

By: Judith St. Ledger-Roty
Judith St. Ledger-Roty
KELLEY DREY & WARREN, LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600

Its Attorneys

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